

The claims above are supported by the specification and do not include any new subject matter not previously disclosed.

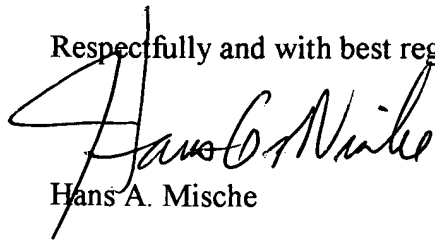
Remarks

The amendment to Claim 16 is consistent with our phone discussion and it requested that it is allowed along with independent Claim 17. Additionally, you had indicated that dependent Claims 18-22 could then be considered as allowable matter and I respectfully request that you allow these claims as well. Dependent Claim 28 has been added and is supported by the specification.

Regarding Cottone(EP 0819413 A2), during our phone call we discussed that the intent of the system presented in Mische(09/733,775) is to treat and fixate bone fractures, not to maintain patency of blood vessels as disclosed by Cottone. Additionally and respectfully, Mische(09/733,775) inventively utilizes the shortening of the implant upon expansion as a deliberate and novel therapeutic feature that additionally fixates bone fractures.

In view of the above amended claims, discussions and remarks, I ask that you consider the claims as being in a condition for allowance, and request a prompt issuance of a notice to that effect.

Respectfully and with best regards,

A handwritten signature in black ink, appearing to read "Hans A. Mische", written over a horizontal line.

Hans A. Mische